

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WESTFIELD INSURANCE COMPANY)	
)	
	<i>Plaintiff,</i>)
)	
-vs-)	
)	No. 15-CV-09358
MAXIM CONSTRUCTION CORPORATION, INC.,)	Hon. Rebecca R. Pallmeyer
the CITY OF CRYSTAL LAKE, ILLINOIS,)	
ENVIROGEN TECHNOLOGIES, INC., and the LAKE)	
COUNTY PUBLIC WATER DISTRICT,)	
)	
	<i>Defendants.</i>)

**DEFENDANT MAXIM'S RESPONSE TO WESTFIELD'S MOTION TO
SUSPEND BRIEFING SCHEDULE**

NOW COMES the Defendant, MAXIM CONSTRUCTION COMPANY, INC., by its attorneys, CARLSON LAW OFFICES, and for its Response to WESTFIELD'S MOTION TO SUSPEND BRIEFING on MAXIM'S Motion for Summary Judgment on the Duty to Defend, states as follows:

1. This matter involves a very expensive underlying lawsuit, where WESTFIELD has totally abandoned its insured, refused to pay defense costs, and filed this declaratory judgment action causing MAXIM to suffer great financial distress.
2. As a result of WESTFIELD'S refusal to defend, MAXIM'S defense counsel was withdrawn and MAXIM is on the verge of being defaulted in the underlying case.
3. MAXIM seeks a finding of a duty to defend, and WESTFIELD has, after being given sufficient time to respond, now seeks this further delay with a motion stating that there are settlement negotiations.

4. There is no prospect of a reasonable settlement at this time, and, if anything, the briefing scheduling needs to be expedited, as now the Plaintiff in the underlying litigation has filed a Motion for Default Judgment against Maxim, which will soon extremely prejudice MAXIM after being abandoned by WESTFIELD.

WHEREFORE, Defendant, MAXIM CONSTRUCTION CORPORATION, respectfully requests this Court deny WESTFIELD's Motion for to Suspend the briefing schedule, and enter an order accelerating WESTFIELD's Response.

Respectfully submitted,

/s/ Keith G. Carlson

Keith G. Carlson, Attorney for Defendant
MAXIM CONSTRUCTION CORPORATION, INC.

Keith G. Carlson (#6194752)
Carlson Law Offices
2 N. LaSalle St. Suite 1800
Chicago, IL 60602
Tel: (312) 627-1212
Fax: (312) 265-8427
keith@carlson-law-offices.com
Attorneys for Defendant Maxim
Construction Corporation, Inc.